IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 22213 of 2004

Between:

Mir Yousuf Ali, S/o Late M.G. Ali,
R/o 18-8-192/9/A, Beside Santoshnagar Police Station, Hyderabad - 500 659.

... PETITIONER

AND

1 Government of A.P. Minorities Welfare Department,

rep. by its Principal Secretary.

2 Chief Executive Officer, A.P. State Wakf Board,

Nampally, Hyderabad.

3 A.P. State Wakf Board, rep. by its Chairman,

Nampally,Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents 2 and 3 in not convening a meeting of the Wakf Board in pursuance of the proceedings issued by the first respondent in Memo 3640/Walk.I/A1/2004 dated 17-11-2004 as being illegal, arbitrary, unconstitutional and violative of the provisions of the Wakf Act 1995 and consequently direct respondents 2 and 3 to forthwith convene a meeting of the Wakf Board and place the proceedings of the first respondent before the said Board for deliberations and response and further direct respondent No.1 to consider the reply and response

given by the Wakf Board before proceedings with any further action in pursuance of its Memo No. 3640.Walf.I/A1/2004 dated 17-11-2004 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.NIRANJAN REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER : -

The petitioner is one of the members of Wakf Board. The first respondent issued a memo, dated 17.11.2004 to the Wakf Board directing to show cause as to why it should not be superseded. The grievance of the petitioner is that the meeting of the Wakf Board is not conducted, on one pretext or the other, and he contends that unless a meeting is convened, an effective reply cannot be issued to the show

cause notice.

2. Heard learned counsel for the petitioner and the learned Standing counsel for the Wakf Board.

3. Though several contentions are urged on behalf of the parties touching upon the circumstances that lead to issuance of impugned notice, it is not necessary to refer to the same in view of subsequent development. The A.P. Wakf Board had decided to convene a meeting to consider and discuss the show cause notice, dated 17.11.2004. In fact, a notice, dated 3.12.2004 was issued proposing to conduct the meeting on 07.12.2004 at 11.30 a.m.

4. Learned counsel for the petitioner submits that a telegram was received by his client yesterday, and no time of the meeting was mentioned therein. He contends that copy of the notice was not served on the petitioner and most of the members are at different places.

5. Taking the facts and circumstances into account, the writ petition is disposed of directing that the proposed meeting of the Wakf Board shall be held on 11.12.2004 at 11.30 a.m. In the meanwhile, it shall be open to them to intimate to the members either through individual notices or through telegrams of the changed date of the meeting. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 07th December, 2004

Note:- Issue C.C today

(B/o)

RAR

To

1 The Principal Secretary, Government of A.P. Minorities

Welfare Department, Hyderabad.

2 Chief Executive Officer, A.P. State Wakf Board,

Nampally, Hyderabad.

3 The Chairman, A.P. State Wakf Board, rep. by its Chairman,

Nampally,Hyderabad.

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